

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF HARDIN COUNTY WATER	)	
DISTRICT NO. 1, A WATER DISTRICT ORGANIZED)	)	
PURSUANT TO CHAPTER 74 OF THE KENTUCKY	)	
REVISED STATUTES, IN HARDIN COUNTY,	)	
KENTUCKY, FOR (1) A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY AUTHORIZING AND	)	
PERMITTING SAID WATER DISTRICT TO	)	CASE NO.
CONSTRUCT WATER STORAGE AND DISTRIBUTION	)	10189
SYSTEM IMPROVEMENTS, CONSISTING OF	)	
ELEVATED STORAGE TANKS, AND WATER TRANS-	)	
MISSION LINES (THE PROJECT); (2) APPROVAL	)	
OF THE PROPOSED PLAN OF FINANCING OF SAID	)	
PROJECT; AND (3) APPROVAL OF INCREASED	)	
WATER RATES PROPOSED TO BE CHARGED BY THE	)	
DISTRICT TO ITS RETAIL AND WHOLESALE	)	
CUSTOMERS	)	

O R D E R

On August 31, 1988, the Commission established a procedural schedule to ensure the orderly disposition of this case. Unfortunately this case is more difficult than we or the parties expected. As a result, our procedural schedule has proven unrealistic. As of today, this case should stand submitted to the Commission. Instead the parties are still conducting discovery and none have filed their prepared testimony.

In an effort to resolve this situation, Hardin County Water District No. 1 ("Hardin County No. 1"), Hardin County Water District No. 2 ("Hardin County No. 2"), the Attorney General's Utility and Rate Intervention Division ("AG"), and the Commission Staff conferred by telephone on November 3 and November 5, 1988. All agreed that under existing circumstances continued adherence

to the present procedural schedule would be impractical, and possibly prejudicial to some parties. Agreement was then reached upon a revised procedural schedule to replace the present schedule. On November 21, 1988, these parties submitted a written memorandum of their agreement to the Commission and requested that their proposed procedural schedule be adopted.<sup>1</sup> Before we acted on this request, the parties met at an informal conference on December 8, 1988, and modified their proposed procedural schedule to allow Hardin County No. 1 additional time to prepare certain technical reports.

The Commission has carefully reviewed the parties' proposal. We believe that it will provide all parties with adequate time to prepare for this case. The proposed schedule, however, will not permit the Commission to rule on the merits of Hardin County No. 1's rate application until May 1989, 14 months after the application was submitted. KRS 278.190(4) requires us to rule on the application within 10 months. Under normal circumstances, the Commission would dismiss this case and advise Hardin County No. 1 to resubmit its application when it was fully prepared. In this instance, however, Hardin County No. 1 has agreed to waive its

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<sup>1</sup> Commission Staff reduced the parties' agreement to writing and then submitted it to them for their review. AG disagreed with a minor provision of the proposed procedural schedule as written, and conditioned its agreement to the written memorandum on revision of that provision. Hardin County No. 1 and Hardin County No. 2 subsequently filed their written consent to that revision on December 2 and November 28, 1988, respectively.

right to seek enforcement of KRS 278.190(4) in this case provided the Commission enters a decision on its rate application by no later than June 15, 1989.

Given these assurances by Hardin County No. 1, the Commission finds that parties' proposed procedural schedule be adopted.

IT IS THEREFORE ORDERED that:

1. The parties' request for adoption of a new procedural schedule be granted.

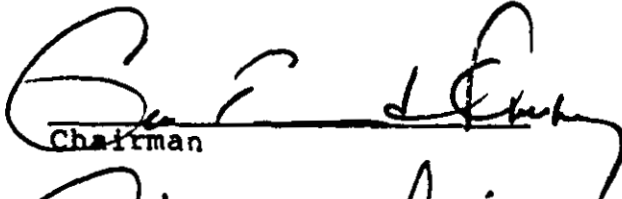
2. The procedural schedule established by our Order of August 31, 1988, be rescinded and replaced with the procedural schedule listed in Appendix A. All parties shall follow this schedule.

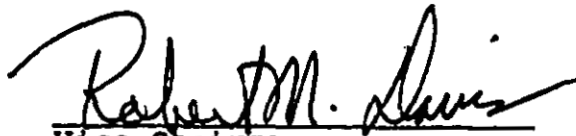
3. All requests for information and responses thereto shall be appropriately indexed. All responses shall include the name of the witness who will be responsible for responding to questions related to the information provided. Responding party shall submit 12 copies of the response to the Commission and a copy to each party of record.


4. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

Done at Frankfort, Kentucky, this 5th day of January, 1989.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

\_\_\_\_\_  
Executive Director

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 10189 DATED January 5, 1989

Hardin County Water District No. 1 shall file its testimony in verified form and its additional responses to prior information requests (excluding engineering information requested in the October 7, 1988 Order) no later than.....1/18/89

Hardin County Water District No. 1 shall file all engineering information requested in October 7, 1988 Order no later than.....2/15/89

All supplemental requests for information to Hardin County Water District No. 1 shall be due no later than.....2/24/89

Hardin County Water District No. 1 shall mail or deliver responses to supplemental requests for information no later than.....3/06/89

Intervenors shall file their testimony in verified prepared form no later than.....3/13/89

All requests for information to intervenors shall be due no later than.....3/22/89

Intervenors shall mail or deliver responses to requests for information no later than.....4/06/89

Prehearing Conference to begin at 9:00 a.m., Eastern Daylight Savings Time, in Hearing Room #2 of the Commission's offices at Frankfort, Kentucky, for the purpose of considering the possibility of settlement, the simplification of issues, and any other matters which may aid in the handling or disposition of this case.....4/10/89

Public Hearings to begin at 9:00 a.m., Eastern Daylight Savings Time, in Hearing Room #1 of the Commission's offices at Frankfort, Kentucky, for the purpose of cross-examination of witnesses of Hardin County, cross-examination of witnesses of Staff and intervenors, and the presentation of rebuttal testimony, if any.....4/12/89

All parties shall, if necessary, file briefs, indexed by subject matter, simultaneously.....4/28/89